

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02570-TNM**

HUMANE SOCIETY OF THE UNITED STATES v. UNITED
STATES DEPARTMENT OF AGRICULTURE et al
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 11/30/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**HUMANE SOCIETY OF THE
UNITED STATES**

represented by **Daniel H. Waltz**
ANIMAL LEGAL DEFENSE FUND,
INC.
The Yard
700 Pennsylvania Ave SE
Washington, DC 20003
(707) 795-2533 Ext. 1066
Email: dwaltz@aldf.org
TERMINATED: 04/05/2018
LEAD ATTORNEY

Peter A. Brandt
HUMANE SOCIETY OF THE UNITED
STATES
Animal Protection Litigation
1255 23rd Street, NW
Suite 450
Washington, DC 20037
(240) 388-5023
Fax: (202) 778-6134
Email: pbrandt@humanesociety.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Margaret E. Robinson
HUMANE SOCIETY OF THE UNITED
STATES
Animal Protection Litigation
1255 23rd Street, NW
Suite 450
Washington, DC 20037
(202) 676-2369
Email: mrobinson@humanesociety.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF AGRICULTURE**

represented by **Claire M. Whitaker**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2526
Fax: (202) 252-2505
Email: claire.whitaker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry

U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynes@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant**FARM SERVICE AGENCY**

represented by **Claire M. Whitaker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/30/2017	<u>1</u>	COMPLAINT against FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Filing fee \$ 400 receipt number 0090-5228052) filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Agency – USDA, # <u>3</u> Summons Agency – FSA, # <u>4</u> Summons Attorney General, # <u>5</u> Summons US Attorney for DC)(Lutz, Daniel) (Entered: 11/30/2017)
11/30/2017	<u>2</u>	Corporate Disclosure Statement by HUMANE SOCIETY OF THE UNITED STATES. (Lutz, Daniel) (Entered: 11/30/2017)
12/04/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE <i>with Corrected Summons Attached</i> filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Corrected USDA Summons, # <u>2</u> Corrected Farm Service Agency Summons, # <u>3</u> Corrected Attorney General Summons, # <u>4</u> Corrected US Attorney Summons)(Lutz, Daniel) (Entered: 12/04/2017)
12/05/2017		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 12/05/2017)
12/05/2017	<u>4</u>	SUMMONS (4) Issued Electronically as to FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 12/05/2017)
12/15/2017	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/15/2017. (lctnm3) (Entered: 12/15/2017)
12/18/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2017.

		Answer due for ALL FEDERAL DEFENDANTS by 1/11/2018. (Lutz, Daniel) (Entered: 12/18/2017)
12/18/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/12/2017. (Lutz, Daniel) (Entered: 12/18/2017)
12/18/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 12/11/2017 (Lutz, Daniel) (Entered: 12/18/2017)
01/11/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE.(Whitaker, Claire) Modified to add link on 1/12/2018 (znmw). (Entered: 01/11/2018)
01/12/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before February 2, 2018. Signed by Judge Trevor N. McFadden on 1/12/2018. (lctnm3) (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines: Parties shall meet and confer and file a Joint Status Report by 2/2/2018. (hmc) (Entered: 01/12/2018)
01/31/2018	<u>10</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/31/2018)
02/01/2018		MINUTE ORDER granting Defendants' <u>10</u> Consent Motion for Extension of Time. The parties shall now file a Joint Status Report on or before February 16, 2018. The parties are advised that further requests for an extension of time for this filing will be disfavored, and are directed to comply with the Court's Standing Order, including the provisions governing motions for extensions of time. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/1/2018. (lctnm3) (Entered: 02/01/2018)
02/01/2018		Set/Reset Deadlines: Joint Status Report due by 2/16/2018. (hmc) (Entered: 02/01/2018)
02/16/2018	<u>11</u>	Joint STATUS REPORT by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 02/16/2018)
02/16/2018	<u>12</u>	ORDER setting schedule for proceedings in this case. See Order for details. Signed by Judge Trevor N. McFadden on 2/16/2018. (lctnm3) Modified on 2/21/2018 (hmc). (Entered: 02/16/2018)
02/20/2018		Set/Reset Deadlines: Joint Status Report due by 4/27/2018. (hmc) (Entered: 02/20/2018)
04/05/2018	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Peter A. Brandt on behalf of All Plaintiffs Substituting for attorney Daniel Lutz (Brandt, Peter) (Entered: 04/05/2018)
04/27/2018	<u>14</u>	Second STATUS REPORT (<i>Joint</i>) by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Whitaker, Claire) (Entered: 04/27/2018)
04/30/2018		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on May 29, 2018, file a further Joint Status Report proposing a schedule for proceeding in this matter, including, if necessary, a briefing schedule for dispositive motions. Signed by Judge Trevor N. McFadden on 4/30/2018. (lctnm3) (Entered: 04/30/2018)

04/30/2018		Set/Reset Deadlines: A further Joint Status Report due by 5/29/2018. (hmc) (Entered: 04/30/2018)
05/22/2018	<u>15</u>	Consent MOTION for Extension of Time to File <i>the Next Joint Status Report</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Haynes, Fred) (Entered: 05/22/2018)
05/23/2018		MINUTE ORDER granting Defendants' <u>15</u> Consent Motion for Extension of Time. The parties' Joint Status Report shall now be due before or on June 13, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/22/2018. (lctnm3) (Entered: 05/23/2018)
05/23/2018		Set/Reset Deadlines: Joint Status Report due by 6/13/2018. (hmc) (Entered: 05/23/2018)
06/13/2018	<u>16</u>	Joint STATUS REPORT by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Text of Proposed Order)(Brandt, Peter) (Entered: 06/13/2018)
06/13/2018		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report before or on July 13, 2018. It is also ORDERED that prior to signing any future filings on behalf of the Defendants, Ms. Hendry shall enter an appearance in this matter. Signed by Judge Trevor N. McFadden on 6/13/2018. (lctnm3) (Entered: 06/13/2018)
06/14/2018		Set/Reset Deadlines: Joint Status Report due by 7/13/2018. (hmc) (Entered: 06/14/2018)
07/13/2018	<u>17</u>	Joint STATUS REPORT by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/13/2018)
07/17/2018	<u>18</u>	SCHEDULING ORDER setting briefing schedule in response to parties' <u>17</u> Joint Status Report and Proposed Order. See attached order for details. Signed by Judge Trevor N. McFadden on 07/17/2018. (lctnm3) (Entered: 07/17/2018)
07/17/2018		Set/Reset Deadlines: Defendants' motion for summary judgment due by 9/17/2018. Plaintiff's opposition to Defendants' motion for summary judgment and cross-motion due by 10/17/2018. Defendants' opposition to Plaintiff's cross-motion and reply in support of their motion for summary judgment due by 10/31/2018. Plaintiff's reply in support of its cross-motion due by 11/13/2018. (hmc) (Entered: 07/17/2018)
09/11/2018	<u>19</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment Briefs</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) (Entered: 09/11/2018)
09/11/2018		MINUTE ORDER: Upon consideration of the parties' <u>19</u> Joint Motion to Amend Briefing Schedule, it is hereby ORDERED that: (1) Defendants' Motion for Summary Judgment shall be filed on or before November 1, 2018; (2) Plaintiff's opposition to Defendants' motion and Plaintiff's Cross-Motion for Summary Judgment shall be filed on or before December 3, 2018; (3) Defendants' opposition to Plaintiff's cross-motion and Defendants' reply in support of their motion shall be filed on or before December 19, 2018; and (4) Plaintiff's reply shall be filed on or before January 16, 2019. Signed by Judge Trevor N. McFadden on 9/11/2018. (lctnm3) (Entered: 09/11/2018)
09/12/2018		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 11/1/2018. Plaintiff's opposition Defendants' Motion for Summary Judgment and Cross-Motion due by 12/3/2018. Defendants' reply in support of their Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion due by 12/19/2018. Plaintiff's reply in support of its Cross-Motion due by 1/16/2019. (hmc) (Entered: 09/12/2018)
09/18/2018	<u>20</u>	NOTICE of Appearance by Margaret E. Robinson on behalf of HUMANE SOCIETY OF THE UNITED STATES (Robinson, Margaret) (Entered: 09/18/2018)
10/24/2018	<u>21</u>	AMENDED COMPLAINT against All Defendants filed by HUMANE SOCIETY OF THE UNITED STATES. (Attachments: # <u>1</u> Exhibit redline comparison of the original and amended complaint)(Brandt, Peter) (Entered: 10/24/2018)
10/24/2018	<u>22</u>	NOTICE of Filing of First Amended Complaint by HUMANE SOCIETY OF THE UNITED STATES re <u>21</u> Amended Complaint (Robinson, Margaret) (Entered: 10/24/2018)

		10/24/2018)
10/29/2018	<u>23</u>	Joint MOTION to Modify <i>the Briefing Schedule re Summary Judgment Motion</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) Modified event title on 10/30/2018 (znmw). (Entered: 10/29/2018)
10/30/2018		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Motion to Amend Briefing Schedule, it is hereby ORDERED that (1) Defendants' motion for summary judgment shall be filed on or before December 11, 2018; (2) Plaintiff's opposition and any cross-motion shall be filed on or before January 11, 2019; (3) Defendants' reply and opposition to any cross-motion shall be filed on or before January 25, 2019; and (4) Plaintiff's reply shall be filed on or before February 8, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/30/2018. (lctnm3) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines: Defendants' motion for summary judgment due by 12/11/2018. Plaintiff's opposition to Defendants' motion for summary judgment and cross-motion due by 1/11/2019. Defendants' reply and opposition to any cross-motion due by 1/25/2019. Plaintiff's reply in support of its cross-motion due by 2/8/2019. (hmc) (Entered: 10/30/2018)
11/07/2018	<u>24</u>	ANSWER to <u>21</u> Amended Complaint by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE.(Hendry, Melanie) (Entered: 11/07/2018)
12/11/2018	<u>25</u>	MOTION for Partial Summary Judgment by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Declaration of Barbara McLean)(Hendry, Melanie) Modified event title on 12/17/2018 (znmw). (Entered: 12/11/2018)
12/21/2018	<u>26</u>	MOTION for Extension of Time to File <i>pposition and cross-motion for summary judgment</i> by HUMANE SOCIETY OF THE UNITED STATES (Attachments: # <u>1</u> Text of Proposed Order)(Brandt, Peter); Modified event on 12/27/2018 (zthh). (Entered: 12/21/2018)
01/04/2019		MINUTE ORDER granting Plaintiffs <u>26</u> Motion for Extension of Briefing Schedule. Plaintiffs <u>26</u> Motion to Extend Briefing is hereby GRANTED. Plaintiff shall file any motion to compel a Vaughn Index on or before January 11, 2019, and Defendant shall respond to any such motion on or before January 25, 2019. Plaintiffs Cross-Motion for Summary Judgment and Opposition to Defendants' <u>25</u> Partial Motion for Summary Judgment shall now be filed on or before February 11, 2019; Defendants opposition to Plaintiffs Cross-Motion for Summary Judgment and Reply in Support of its <u>25</u> Motion for Partial Summary Judgment shall be filed on or before February 25, 2019; and Plaintiffs Reply in Support of its Cross-Motion for Summary Judgment shall be filed on or before March 8, 2019. Signed by Judge Trevor N. McFadden on 1/4/2019. (lctnm2) (Entered: 01/04/2019)
01/04/2019		Set/Reset Deadlines: Plaintiff's motion to compel a Vaughn Index due by 1/11/2019. Defendants' response to any such motion due by 1/25/2019. Plaintiff's Cross-Motion for Summary Judgment and opposition to Defendants' Partial Motion for Summary Judgment due by 2/11/2019. Defendants' opposition to Plaintiff's Cross-Motion and reply in support their Motion for Partial Summary Judgment due by 2/25/2019. Plaintiff's reply in support of its Cross-Motion for Summary Judgment due by 3/8/2019. (hmc) (Entered: 01/04/2019)
01/11/2019	<u>27</u>	MOTION to Compel <i>Production of a Vaughn Index</i> by HUMANE SOCIETY OF THE UNITED STATES (Attachments: # <u>1</u> Declaration of Peter Brandt, # <u>2</u> Text of Proposed Order)(Robinson, Margaret) (Entered: 01/11/2019)
01/17/2019	<u>28</u>	Unopposed MOTION to Stay , Unopposed MOTION for Extension of Time to <i>All Deadlines, including Opposition to Plaintiff's Motion to Compel Production of a Vaughn Index</i> by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 01/17/2019)
01/17/2019		MINUTE ORDER: Upon considering the Defendants' <u>28</u> Motion to Stay, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations

		to the Department of Justice. It is further ordered that the Defendants shall notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/17/2019. (lctnm3) (Entered: 01/17/2019)
02/07/2019		MINUTE ORDER: The Court hereby lifts the stay in this case, as Congress has restored appropriations to the Department of Justice. The Court's January 4 Order is revised as follows: The Defendants are hereby ORDERED to file their response to the Plaintiff's <u>27</u> Motion on or before February 21, 2019. The Plaintiff's Cross-Motion for Summary Judgment and opposition to Defendants' <u>25</u> Partial Motion for Summary Judgment shall be filed on or before March 7, 2019. The Defendants' opposition and reply in support shall be filed on or before March 21, 2019. The Plaintiff's reply in support shall be filed on or before April 11, 2019. Signed by Judge Trevor N. McFadden on 2/7/2019. (lctnm3) (Entered: 02/07/2019)
02/08/2019		Set/Reset Deadlines: Defendants' response to Plaintiff's <u>27</u> Motion due by 2/21/2019. Plaintiff's Cross-Motion for Summary Judgment and opposition to Defendants' Partial Motion for Summary Judgment due by 3/7/2019. Defendants' opposition and reply in support due by 3/21/2019. Plaintiff's reply in support due by 4/11/2019. (hmc) (Entered: 02/08/2019)
02/12/2019	<u>29</u>	MOTION to Stay <i>Motion for Summary Judgment Briefing Schedule</i> , MOTION for Extension of Time to <i>File Reply to Opposition to Motion to Compel Production of a Vaughn Index</i> by HUMANE SOCIETY OF THE UNITED STATES (Attachments: # <u>1</u> Text of Proposed Order)(Robinson, Margaret) (Entered: 02/12/2019)
02/13/2019		MINUTE ORDER: Upon consideration of the Plaintiff's <u>29</u> Motion, it is hereby ORDERED that the Plaintiff shall file any reply brief on the necessity of a Vaughn Index on or before March 7, 2019. It is further ORDERED that the schedule for remaining summary judgment filings is stayed pending the Court's ruling on the Plaintiff's Motion to Compel the Production of a Vaughn Index. Signed by Judge Trevor N. McFadden on 2/13/2019. (lctnm3) (Entered: 02/13/2019)
02/14/2019		Set/Reset Deadlines: Plaintiff's reply brief due by 3/7/2019. (hmc) (Entered: 02/14/2019)
02/21/2019	<u>30</u>	RESPONSE re <u>27</u> MOTION to Compel <i>Production of a Vaughn Index</i> filed by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE. (Hendry, Melanie) (Entered: 02/21/2019)
03/07/2019	<u>31</u>	REPLY to opposition to motion re <u>27</u> MOTION to Compel <i>Production of a Vaughn Index</i> filed by HUMANE SOCIETY OF THE UNITED STATES. (Robinson, Margaret) (Entered: 03/07/2019)
03/21/2019		MINUTE ORDER: Upon consideration of the Plaintiff's <u>27</u> Motion to Compel a <i>Vaughn Index</i> and the parties' related briefing, a Motions Hearing is hereby scheduled for April 9, 2019 at 10 a.m. in Courtroom 2 before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 3/21/2019. (lctnm3) (Entered: 03/21/2019)
03/21/2019		Set/Reset Hearings: Motion Hearing set for 4/9/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 03/21/2019)
04/09/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 4/9/2019. For reasons stated on the record, Plaintiffs' <u>27</u> MOTION to Compel <i>Production of a Vaughn Index</i> is DENIED and Defendant's <u>25</u> MOTION for Partial Summary Judgment is DENIED. By the end of this week Defendant shall provide a proposed production schedule. Plaintiffs' response, if any, shall be provided by the end of next week. (Court Reporter: Patricia Kaneshiro-Miller.) (hmc) (Entered: 04/09/2019)
04/12/2019	<u>32</u>	MOTION for Scheduling Order by FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE (Hendry, Melanie) (Entered: 04/12/2019)